

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: : Chapter 7
: Case No. 05-15679 (MKV)
Harmon L. Fields, :
: Debtor. :
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Harmon L. Fields, : Adversary No. 16-01258 (MKV)
: Plaintiff, :
: -against- :
: Access Group, Inc., the U.S. Department of Education :
and ACS Education Services, :
: Defendants. :
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**STIPULATION CONCERNING DISMISSAL OF ADVERSARY PROCEEDING
SOLELY WITH RESPECT TO DEFENDANT U.S. DEPARTMENT OF EDUCATION**

WHEREAS, on July 5, 2005, Harmon L. Fields (the "Debtor") filed a voluntary petition with the U.S. Bankruptcy Court for the Southern District of New York under Chapter 7 of the Bankruptcy Code;

WHEREAS, on December 2, 2005, the Debtor received a standard discharge and the Debtor's Chapter 7 case was closed on December 6, 2005;

WHEREAS, on August 25, 2016, the Debtor filed a motion to reopen his Chapter 7 case to allow him to file an adversary complaint to seek the discharge of his student loan debts;

WHEREAS, on October 21, 2016, the Court entered an order reopening the Debtor's chapter 7 case;

WHEREAS, on November 4, 2016, the Debtor filed the instant adversary proceeding (the "Adversary Proceeding") naming the U.S. Department of Education as defendant;

WHEREAS, the Debtor subsequently learned that his federal student loans are no longer held by the U.S. Department of Education, but instead have been transferred to American Student Assistance as part of a loan consolidation;

NOW, THEREFORE, the Debtor and the U.S. Department of Education hereby stipulate:

1. The U.S. Department of Education is dismissed as defendant in the Adversary Proceeding and all claims asserted by the Debtor against the U.S. Department of Education are dismissed with prejudice. For the sake of clarity, this stipulation of dismissal is made without prejudice to any and all claims asserted by Plaintiffs against Access Group, Inc. and ACS Education Services.

2. Each of the Debtor and the U.S. Department of Education will bear its own attorneys' fees and costs.

Dated: New York, New York
December 16, 2016

**QUINN EMANUEL URQUHART &
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Counsel for Harmon L. Fields

IT IS SO-ORDERED:

, 2016

New York, New York

Honorable Mary Kay Vyskocil
United States Bankruptcy Judge

New York, New York
December 16, 2016

**PREET BHARARA
UNITED STATES ATTORNEY FOR THE
SOUTHERN DISTRICT OF NEW YORK**

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